C.S. 1001 (3)

SINGLE BENCH

(1)

IN THE HIGH COURT OF JUDICATURE OF CHHATTISGARH AT BILPASPUR

WRIT PETITION NO. 1164/2005

PETITIONER:-

Deo Prasad Mahipal
S/O- Gangadhar
Aged about 28 years
R/O- Village Sarwa,
Block- Kasdol
Distt- Raipur (C.G.)

P.R. No. 1167/05
Presented by Shri Hemant Gupta
dated 16-03-05

VERSUS

RESPONDENTS :-

1) State of Chhattisgarh
Through:- Director,
Panchayat Chhattisgarh
Raipur (C.G.)

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16-3-05
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2) Collector,
Distt- Raipur (C.G.)

शपथ आयुक्त
एस. के. शुक्ला
बिलासपुर (छ.ग.)
बिलासपुर तहसील कोर्ट
15/3/05

3) Sarpanch,
Gram Panchayat, Sarwa
Block- Kasdol
Distt- Raipur (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUEANCE OF APPROPRIATE WRIT (S) OR ORDER(S) OR DIRECTION (S)

XI-HC-22

(18)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. 1164 **सन्** 2005

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

29.3.2005

Shri Virendra Sharma, counsel for the petitioner.

Shri Sandeep Dubey, Government Advocate for the State/respondents 1 & 2.

Heard.

The present petition has been filed against the impugned order dated 9.2.2005 (Annexure P- 1) by which, the Director Panchayat has dismissed the application for condonation of delay in filing the appeal and in consequence, has also dismissed the appeal filed by the petitioner.

Learned counsel for the petitioner submits that the order dated 17.1.2002 was passed by the Collector against which, this appeal bearing No. 75/A-89/2004-05, Deo Prasad Mahipal v/s State of Chhattisgarh & others was filed by the petitioner before the Director Panchayat, Raipur (C.G.) (the appellate authority).

Learned counsel for the petitioner further submits that along with the memo of appeal an application for condonation of delay was also filed and the Director Panchayat passed the impugned order dated 9.2.2005, whereby the said application for condonation

(19)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

of delay was dismissed and ultimately the entire appeal filed by the petitioner was dismissed as barred by limitation.

I have perused the order impugned. The order is a criptic order which does not give reasons as to why the application for condonation of delay has been dismissed by the authority.

It is a settled law that the reasons are live links between the mind of the decision taker to the controversy in question and the decision or conclusion arrived at. Failure to give reasons amounts to denial of justice. (Please see ***Alexander Machinery Dudley Ltd. Vs. Crabtree 1974 LCR 120***) which has also been referred in the case of ***Regional Manager , UPSRTC, ETAWAH and others Vs. Hoti Lal vide para 10*** reported in ***AIR 2003 SC 1462***.

If this principle of law is applied, it is apparent that the impugned order cannot be sustained as the same even does not touches the fact of the case and has not assigned any reason as to why the application for condonation is dismissed.

The petition is allowed. The impugned order is set aside. The matter is remanded back to the concerned authority (Director

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(20)

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित —3—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	Panchayat) for hearing on application of limitation and passing a reasoned order in this regard. **Consequently, M.W.P.No.925/2005 and I.A.No.2218/2005 for urgent hearing also stand disposed of. No order as to cost.** **Certified copy as per rules.** **Sd/-** **Sunil Kumar Sinha** **Judge**	

sunita